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Sales—Notice by Buyer to Seller—Waiver.—Notice of the failure of a machine to work is held, in First Nat. Bank *v.* Dutcher (Iowa) 1 L. R. A. (N. S.) 142, to be waived by the continued efforts of the seller's agent to make the machine work after the expiration of the time limited for the notice.

Words and Phrases—"Noon."—The word "noon," used to denote the beginning and termination of the risk under an insurance policy, is held, in Rochester German Ins. Co. *v.* Peaslee-Gauldert Co. (Ky.) 1 L. R. A. (N. S.) 364, to be properly interpreted to be standard, and not sun, time, where the use of the former system of reckoning time has been the prevailing custom in the community for a long period.

Wills—Attestation in Presence of Testator.—Attestation of a will in another room, out of range of the testator's vision is held, in Calkins *v.* Calkins (Ill.) 1 L. R. A. (N. S.) 393, not to be within a statutory requirement that it shall be in his presence; and the defect is not cured by the subsequent acknowledgment by the witness, or ratification and approval by the testator.

MISCELLANY.

Proceeding by Interrogatories against Execution Debtor.

Editors "Virginia Law Register:"

In vol. 6, Va. L. R., p. 804, Mr. George Bryan says: "It would seem also that supplementary proceedings are now no longer to be had upon executions issued by, and control of which is retained by, a justice of the peace, because the new act limits the right to issue the summons to 'the judge of any court of record from which the fi. fa. issued.'"

The relief in such a case is this—remove the case from before the justice into the circuit court as provided by §§ 2949, 2950, of the Virginia Code; then the case is in a court of record; and then proceed under § 3603.

HARNSBERGER & HARNSBERGER.

Harrisonburg, Va.

The New Act Concerning Automobiles—Its Effect on § 3859b, Va. Code, 1904.—The recent general assembly passed an important act concerning automobiles (1906, p. 525), apparently overlooking the fact that there was already in the Code an act relating to the same subject. The new act does not mention the former act, and the existence of the two acts, many of the provisions of which are not

necessarily in conflict, may raise many important questions as to repeal by implication. It is unfortunate that the general assembly did not either repeal the old law or pass the new act as an amendment to the old. There has been a remarkable increase in the number of automobiles in use in the state, and litigation concerning them is likely to come "thick and fast." The first volume of the new series of L. R. A., page 238, contains an extensive note of the cases involving the law governing these new engines of destruction. The large number of cases there collected clearly indicates the growing importance of the subject.

The New Insurance Act—Acts, 1906, p. 122.—It would be well for practitioners to note that the subject matter of the following sections in the Code, and often their exact language, are embodied, or at least to some extent affected, by the new insurance act:

1105a(2),	1278-9,
1266-7-8,	1280,
1269a,	1282-3-4,
1270-1-2-3-4-5-6-7,	1286,
1271b,	1286b,
1271c,	1286c,
1277a,	3252,
1277b,	3344a,
1277d,	3652b.

None of these sections are in terms repealed or amended.

Trial by Newspaper.—The views expressed in the little article we copy below, from the "Churchman" (New York) in its issue of the 21st ult., are so excellently and tersely expressed, that we cannot forebear printing them in the "Register." If the learned editor is as orthodox, timely and fearless in his spiritual views, as he is in this able protest against one of the most dangerous tendencies of the press of today, his "gospel" need fear no disparagement from his "law."

New York City has not only spectacular crime, in itself calculated to disturb by public excitement the administration of justice, but this summer has seen newspaper comment passing all precedent, upon cases not yet judged. The condition created in the Terranova case and later in that of Thaw is disgraceful and pernicious. The publication, as they appear, of the facts in regard to a crime prior to the trial is both permissible and promotes the ends of justice. But the practice which has sprung up, to make one side or the other in a crime the client of a newspaper and use all the energies of a great news organization in order to publish anything with color or truth, calculated to aid a particular view of the case, has become a serious

menace to justice. In one case, within the last three years, this narrowly escaped bringing an innocent woman to the prisoner's dock, through the efforts of a "female correspondent." In Europe these things would be rigorously suppressed, under the Code Napoleon, and the systems derived from it. In England, within a year, heavy fine and imprisonment were imposed on representatives of a Manchester newspaper, which ventured to print a case against the criminal in a shape likely to influence a future jury. In Boston, fines have been levied for this offence. In New York the judiciary seems powerless to protect itself, though if it were once emancipated from political pressure judges might revive the power they once used to punish by imprisonment these contempts of both courts and of justice. Unless this is done, trial by newspaper clamor, a form of mob law, will more and more come to anticipate the ordered procedure of the courts. That would be a great public calamity.

The Pay of Judges.—The "Landmark" has always contended that the judiciary of Virginia is ungenerously paid. So far as the State is concerned, the cities are powerless to relieve the condition; but they can do liberally their part in paying their own judges. A judge is differently situated from any other public officer. His position requires the most scrupulous divorcement from any outside interests which might with the slightest plausibility be viewed as affecting his judgment on the bench. Unless he is a man of independent fortune, he must look to his salary alone for the support of himself and his family; and in this support he is expected to maintain a standard which, while not extravagant, must be characterized by a certain quiet elegance which costs money. It should be the care and pleasure, as it is unquestionably the moral duty, of an enlightened community to put its judiciary beyond the necessity of worrying about reasonable financial wants.—Norfolk Landmark.

IN VACATION.

Overruling Motions in Vacation.—A judge, in crossing the Irish Channel one stormy night, knocked against a wellknown witty lawyer who was suffering terribly from seasickness. "Can I do anything for you?" said the judge. "Yes," gasped the seasick lawyer; "I wish your lordship would overrule this motion!"—White Mountain Echo.

Our Maligned Profession.—The inevitable good word for the Douma has been spoken. The body contains only 23 lawyers, as compared with the 223 in Congress.—Washington Post.